

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**PRIDE TRANSPORTATION,**

**Plaintiff**

**v.**

**CONTINENTAL CASUALTY COMPANY  
and LEXINGTON INSURANCE COMPANY,**

**Defendants.**

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**CIVIL ACTION NO. 4-08-CV-007-Y**

**PLAINTIFF'S AMENDED NOTICE OF APPEAL**

**PLEASE TAKE NOTICE** that Plaintiff Pride Transportation ("Plaintiff") hereby appeals to the United States Court of Appeals for the Fifth Circuit from the following signed and entered by the Hon. Terry R. Means, Judge of the United States District Court for the Northern District of Texas, Fort Worth Division: (1) Order Directing Entry of Rule 54(b) Partial Judgment and Staying and Administratively Closing Remainder of Case (Document 192) signed August 17, 2011; (2) Rule 54(b) Partial Final Judgment (Document 193) signed August 17, 2011; and (3) Order Denying Motion to Alter or Amend Judgment (Document 202) signed November 16, 2011. Plaintiff files this amended appeal pursuant to Federal Rule of Appellate Procedure 4(a)(A),(B)(i),(ii), and 28 U.S.C. § 1291. Plaintiff tendered its filing fee as required by Rule 3(e) of the Federal Rules of Appellate Procedure on September 16, 2011, at the time it filed its Notice of Appeal (Document 195).<sup>1</sup>

The parties to the Order and Judgment appealed from, and the names and address of their respective counsel, are listed below:

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<sup>1</sup> Pursuant to Federal Rule of Appellate Procedure 4(a)(4)(B)(iii), no additional fee is required to file an amended notice.

PARTY	COUNSEL
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Defendant: Continental Casualty Company	<p>Mr. David H. Timmins  <a href="mailto:dtimmins@gardere.com">dtimmins@gardere.com</a>  Mr. Colin G. Martin  <a href="mailto:cmartin@gardere.com">cmartin@gardere.com</a>  Mr. Jeremy A. Williams  <a href="mailto:jwilliams@gardere.com">jwilliams@gardere.com</a>  Ms. Karen A. Piotrowski  <a href="mailto:kpiotrowski@gardere.com">kpiotrowski@gardere.com</a>  Gardere Wynne Sewell  1601 Elm Street, Suite 3000  Dallas, Texas 75270-4761</p>
Defendant: Lexington Insurance Company	<p>Mr. Edward A. Davis  <a href="mailto:edavis@hdbdk.com">edavis@hdbdk.com</a>  Hartline, Dacus, Barger, Dreyer  &amp; Kern, L.L.P.  6688 N. Central Expressway, Suite 1000  Dallas, Texas 75206</p> <p>Mr. Chester Makowski  <a href="mailto:makowski@pkmtexas.com">makowski@pkmtexas.com</a>  Mr. C. Scott Kinzel  <a href="mailto:kinzel@pkmtexas.com">kinzel@pkmtexas.com</a>  Plavnicky, Kinzel &amp; Makowski, L.L.P.  5300 Memorial Drive, Suite 675  Houston, Texas 77007</p>

Respectfully submitted,

**COOPER & SCULLY, P.C.**

By: /s/ R Brent Cooper

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**ATTORNEYS FOR PLAINTIFF**

**PRIDE TRANSPORTATION**

**CERTIFICATE OF SERVICE**

I do hereby certify that, on the 16th day of December, 2011, I served a true and correct copy of this Notice upon the counsel listed below via the Court's CM/ECF system, in compliance with the Federal Rules of Civil Procedure:

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